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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,559	07/31/2001	M. William Bowsher	BOMUHDUS	4965
20738 7590 05/25/2007 THOMAS P O'CONNELL 1026A MASSACHUSETTS AVENUE ARLINGTON, MA 02476			EXAMINER CUNNINGHAM, GREGORY F	
			ART UNIT 2624	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/919,559	Applicant(s) BOWSHER ET AL.	
	Examiner Greg F. Cunningham	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 9, 10, 12-16, 18, 20-23, 26, 28-31, 33-38, 40 and 69-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 16, 40, 69, 70 and 73 is/are allowed.
- 6) ☒ Claim(s) 2-7, 9, 10, 12-14, 18, 20-23, 26, 28-31, 33-38, 71 and 72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications of application received 3/15/2007.
2. The disposition of the claims is as follows: claims 2-7, 9-10, 12-16, 18, 20-23, 26, 28-31, 33-38, 40, 69-73 are pending in the application. Claims 10, 15, 18, 20, 23, 26, 40 and 73 are independent claims. Claims 1, 8, 11, 17, 19, 24-25, 27, 32, 39 and 41-68 have been cancelled. Claims 69-73 are newly added.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 9, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton, further in view of Miner (US 2006/0031486 A1), further in view of Bulman et al., (US 2003/0051255 A1), hereinafter Bulman, and further in view of Minneman et al., (US 6,243,740 B1), hereinafter Minneman.
 - A. Fenton discloses claim 10, "A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

Art Unit: 2624

an image procuring device for procuring input images [col. 4, lns. 5-18; particularly corresponding for 'a digital camera of at least the quality of the Kodak DC120'];

a memory device [col. 4, lns. 8-18, wherein '96MB of RAM, an 8 M video card, at least a 4 GB hard drive', any or all of which may correspond to "memory device"];

a plurality of reference images retained by the memory device [col. 6, lns. 14-50, wherein computer file library of digital photographs corresponds to "plurality of reference images retained by the memory device"]

wherein the reference images include structural elements, [col. 1, lns. 63-66; col. 2, lns. 35-40, 60-63],

ceiling elements [col. 3, lns. 7-9, wherein 'white ceiling' corresponds to "ceiling element"], and decorative elements;

a processor [col. 4, lns. 8-9]; and

a display device [col. 4, lns. 10-12];

wherein the image procuring device, the memory device, the processor, and the display device are specially calibrated and coordinated to work together to ensure that colors and input images viewed and procured in situ by the image procuring device will be identically displayed on the display device including the input images in an in situ depiction [corresponds to col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia 'the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color'; and col. 8, lns. 36-65 whereby designer or other staff member utilizes Photoshop to coordinate various elements to work together – (See Examiner's note below)];

Art Unit: 2624

whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to col. 7, lns. 22-44 and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]”

In as much as Fenton discloses various libraries for floor, wall, ceiling element, and window coverings, he does not appear to teach this for structural elements and decorative elements.

However, Miner discloses in [para. 0021-0029, image in various data stores, association of on-line virtual information with physical real objects, enables on-line shopping in-situ based on imaged items, image skin rash and compare with online medical databases, facial recognition of a customer, images of art work, image a car vehicle VIN and take picture of the part of interest, Triage: damages can be taken at an accident site and system can perform search and sorting of patients, suggest course of action, and request authorization for settlement, repair, indemnification, medical care, and so forth – corresponds to “structural elements”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with structural elements disclosed by Miner, and motivated to combine the teachings because it would provide for a need for a system and method that address the concerns with conventional search and marketing strategies, and that significantly increase the users' input choices and improve the search efficiency as revealed in [para. 0015].

Art Unit: 2624

However Miner does not appear to disclose reference image for decorative elements and ceiling elements.

But Bulman discloses in [para. 0300 – characteristic features, such as coloration, location of eyes, ears, nose, hair line ... stored in a file for online service, email; – corresponds to “decorative elements”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method and structural elements disclosed by Fenton and Miner and coupled with decorative elements disclosed by Bulman, and motivated to couple the teachings because it would personalized presentations as revealed in [para. 0008].

(Examiner’s note: to overcome current rejection recommend the following, however a search for the following has not been preformed, furthermore ensure no new matter is entered:

-- wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to work together to ensure that colors and input images viewed and procured in situ by the image procuring device will be identically displayed on the display device including the input images in an in situ depiction --

To read as:

-- wherein the image procuring device, the memory device, the processor, and the display device are calibrated and automatically coordinated to work together to ensure that colors and input images viewed and procured in situ by the image procuring device will be identically displayed on the display device including the input images in an in situ depiction --)

Art Unit: 2624

- B. Fenton, Miner, Bulman and Minneman disclose claim 2, “The system of claim 10 wherein the image procuring device comprises a digital camera [Fenton: col. 4, Ins. 5-7; ‘a digital camera of at least the quality of the Kodak DC120’]” supra for claim 10 and [as detailed].
- C. Fenton, Miner, Bulman and Minneman disclose claim 9, “The system of claim 10 wherein the reference images include reference colors” supra for claim 10, particularly by [Fenton in col. 7, Ins. 12-21 at ‘color preferences’ and ‘key colors’].
- D. Fenton, Miner, Bulman and Minneman disclose claim 13, “The system of claim 10 further comprising a means for suggesting one or more reference images based on a user-selected parameter wherein the reference images include building elements [Fenton: corresponds to col. 7, Ins. 22-44 and col. 8, Ins. 1-45, inter alia ‘preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview], decorative elements, and colors, and wherein the reference image is automatically coordinated by the processor with the user-selected parameter [Fenton: col. 7, Ins. 1-11; wherein list of all the carpet in that color can be generated by using the color’s universal color code used by a customer]” supra for claim 10 and [as detailed].

However Miner does not appear to disclose decorative elements and colors. But Bulman discloses in [para. 0025-0026 – customization of images and multimedia presentations, resulting images, remote access and image retrieval of an image, electronic images, head of a human being with its hair (however long) face, ears, etc., ... accessories such as hat, glasses, hair adornments, jewelry (earrings, etc.) and the like; para. 0243 – makeup and/or hairstyles; para.

Art Unit: 2624

0300 – characteristic features, such as coloration, location of eyes, ears, nose, hair line ... stored in a file for online service, email; – corresponds to “body elements (human), makeup and hairstyles, decorative elements, and jewelry elements”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method and auto parts, structural elements and body parts disclosed by Fenton and Miner and coupled with accessories such as hat, glasses, hair adornments, jewelry (earrings, etc.), makeup and/or hairstyles disclosed by Bulman, and motivated to couple the teachings because it would personalized presentations as revealed in [para. 0008].

E. Fenton, Miner, Bulman and Minneman disclose claim 14, “The system of claim 13 wherein the user-selected parameter comprises an input image that has been procured by the image procuring device [Fenton: col. 6, lns. 30-50]” supra for claim 13 and [as detailed].

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton, further in view of Miner (US 2006/0031486 A1), further in view of Bulman et al., (US 2003/0051255 A1), hereinafter Bulman, further in view of Minneman et al., (US 6,243,740 B1), hereinafter Minneman, and further in view of Dries et al., (US Patent 5,986,670), hereinafter Dries.

A. Fenton, Miner, Bulman and Minneman disclose claim 3, “The system of claim 2 wherein the image procuring device comprises a still camera [Kodak DC120, which corresponds to a still camera] for providing still images of a color [Fenton: col. 1, ln. 67 – col. 2, ln. 10; ‘color’], room [Fenton: col. 1, ln. 67 – col. 2, ln. 10; ‘room’], building [Bulman: para. 0265; ‘building’],

Art Unit: 2624

landscape, product [Fenton: col. 1, ln. 67 – col. 2, ln. 10; ‘product inventory’], person [Bulman: para. 0265; ‘of a person or animal, such as the head, eyes, face, hands, limbs, etc.’], or other structure [Bulman: para. 0265; ‘or other type of object’]” supra for claim 2 and [as detailed].

In as much as Fenton, Miner, Bulman and Minneman disclose claim 3, they do not appear to disclose providing for still images of a landscape.

However, Dries does in [col. 3, lns. 20-26 at ‘the image capture device may be a digital camera’ and in col. 4, lns. 38-44 at ‘The home featured in the digital image may be placed in a construction environment or may be placed within a typical yard landscape environment; col. 6, lns. 45-49 at ‘may comprise a landscape’]

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with auto parts, structural elements, and body parts disclosed by Miner, and motivated to combine the teachings because it would provide for a need for a system and method that address the concerns with conventional search and marketing strategies, and that significantly increase the users' input choices and improve the search efficiency as revealed in [para. 0015]; and coupled with accessories such as hat, glasses, hair adornments, jewelry (earrings, etc.), makeup and/or hairstyles disclosed by Bulman, and motivated to couple the teachings because it would personalized presentations as revealed in [para. 0008]; and in combination with wardrobe disclosed by Minneman, and motivated to combine the teachings because it would allow for displaying of visual images as revealed in col. 1, lns. 55-65; and further coupled with digital image of landscapes disclosed by Dries and motivated to couple because it would ‘provide the system user with access to thousands of images of interior and exterior home products from

Art Unit: 2624

actual manufacturers, as well as landscaping and horticultural products, in a huge interactive CD-ROM database' as disclosed by Dries in col. 2, lns. 36-39.

B. Fenton, Miner, Bulman, Minneman and Dries disclose claim 4, "The system of claim 2 wherein the image procuring device comprises a motion camera [Dries: col. 3, lns. 24-26 at 'The image capture device may be a digital camera, a video camera, a scanner, or the like'] for providing moving images of a color, room, building, landscape, product, person, or other element or structure" supra for claim 2 and [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with auto parts, structural elements, and body parts disclosed by Miner, and motivated to combine the teachings because it would provide for a need for a system and method that address the concerns with conventional search and marketing strategies, and that significantly increase the users' input choices and improve the search efficiency as revealed in [para. 0015]; and coupled with accessories such as hat, glasses, hair adornments, jewelry (earrings, etc.), makeup and/or hairstyles disclosed by Bulman, and motivated to couple the teachings because it would personalized presentations as revealed in [para. 0008]; and in combination with wardrobe disclosed by Minneman, and motivated to combine the teachings because it would allow for displaying of visual images as revealed in col. 1, lns. 55-65; and further coupled with digital image of landscapes and use of a video camera or digital camera disclosed by Dries and motivated to couple because it would 'provide the system user with access to thousands of images of interior and exterior home products from actual manufacturers, as well as landscaping

Art Unit: 2624

and horticultural products, in a huge interactive CD-ROM database' as disclosed by dries in col. 2, lns. 36-39.

6. Claims 18, 22, 23, 71 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton, further in view of Dries et al., (US Patent 5,986,670), hereinafter Dries, and further in view of DeLorme et al. (US 5,802,492), hereinafter DeLorme.

A. Fenton and Dries disclose claim 18, "A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [col. 4, lns. 5-18; particularly

corresponding for 'a digital camera of at least the quality of the Kodak DC120'];

a memory device [col. 4, lns. 8-18, wherein '96MB of RAM, an 8 M video card, at least a 4 GB hard drive', any or all of which may correspond to "memory device"];

a processor [col. 4, lns. 8-9]; and

a display device [col. 4, lns. 10-12]; and

a means for displaying displayed elements and objects in a unified size scale on the display device wherein the means for displaying displayed elements and objects in a unified size scale automatically adapts the input images and the reference images to a unified, substantially identical scale;

Art Unit: 2624

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [corresponds to col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia 'the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color']; whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to col. 7, lns. 22-44 and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]"

However Fenton does not appear to disclose "a means for displaying displayed elements and objects in a unified size scale on the display device", but Dries does in [col. 2, lns. 25-27 and 53-56, wherein 'arrange, rotate, position, resize, orient and otherwise manipulate the product image objects ... to create a realistic composite image" corresponds to " unified size scale on the display device"]].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with scale size disclosed by Dries, and motivated to combine the teachings because it would provide permit the system user to resize a selected image object so that it will fit exactly into a selected rectangular area, or alternatively, so that it will fit proportionally into a selected rectangular area

Art Unit: 2624

and such a feature permits the system user to resize the rectangular image or an irregular shaped image' as disclosed by Dries in col. 3, lns. 5-10.

However Fenton and Dries do not appear to disclose "wherein the means for displaying displayed elements and objects in a unified size scale automatically adapts the input images and the reference images to a unified, substantially identical scale", but DeLorme does in [col. 4, lns. 18-34; col. 8, lns. 45-65; col. 63, lns. 18-22; wherein hybrid structure of combining multiple images at a plurality of scales with each scale being substantially constant-scale maps.]

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with scale size disclosed by Dries and coupled with the hybrid structure of combining multiple images at a plurality of scales with each scale being substantially constant-scale maps disclosed by DeLorme, and motivated to combine the teachings because it would provide accurate points of interest (POIs) and present POI types for which multimedia information is available for describing POI's as electronic overlays of the database for display over the electronic maps on the computer display as disclosed by DeLorme in col. 5, lns. 23-35.

B. Fenton, Dries and DeLorme disclose claim 23, "A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [col. 4, lns. 5-18; particularly corresponding for 'a digital camera of at least the quality of the Kodak DC120'];

Art Unit: 2624

wherein the image procuring device comprises a motion camera [Dries: col. 3, Ins. 24-26 at ‘The image capture device may be a digital camera, a video camera, a scanner, or the like’] for providing moving images of a color, room, building, landscape, product, person, or other element or structure”

a memory device [col. 4, Ins. 8-18, wherein ‘96MB of RAM, an 8 M video card, at least a 4 GB hard drive’, any or all of which may correspond to “memory device”];

a processor [col. 4, Ins. 8-9]; and

a display device [col. 4, Ins. 10-12];

a means for enabling a selective manipulation of the location and orientation of the procured input images on the display device;

a means for automatically adapting the input images and the reference images to a unified substantially identical scale; and means for displaying displayed elements and objects in a unified size scale [DeLorme in col. 4, Ins. 18-34; col. 8, Ins. 45-65; col. 63, Ins. 18-22; wherein hybrid structure of combining multiple images at a plurality of scales with each scale being substantially constant-scale maps.];

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [corresponds to col. 4, Ins. 30-59; and col. 7, Ins. 22-67, inter alia ‘the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color’];

whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to col. 7, Ins. 22-44

Art Unit: 2624

and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]"

However Fenton does not appear to disclose "a means for enabling a selective manipulation of the location and orientation of the procured input images on the display device", but Dries does in [col. 2, lns. 25-27 and 53-56, wherein 'arrange, rotate, position, resize, orient and otherwise manipulate the product image objects ... to create a realistic composite image" corresponds to " means for enabling a selective manipulation of the location and orientation of the procured input images on the display device"].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with scale size disclosed by Dries, and motivated to combine the teachings because it would provide permit the system user to resize a selected image object so that it will fit exactly into a selected rectangular area, or alternatively, so that it will fit proportionally into a selected rectangular area and such a feature permits the system user to resize the rectangular image or an irregular shaped image' as disclosed by Dries in col. 3, lns. 5-10.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with scale size disclosed by Dries and coupled with the hybrid structure of combining multiple images at a plurality of scales with each scale being substantially constant-scale maps disclosed by DeLorme, and motivated to combine the teachings because it would provide accurate points of

Art Unit: 2624

interest (POIs) and present POI types for which multimedia information is available for describing POI's as electronic overlays of the database for display over the electronic maps on the computer display as disclosed by DeLorme in col. 5, lns. 23-35.

C. Fenton and Elliott disclose claim 22, "The system of claim 23 further comprising a means for providing a cost estimation as to the cost of a potential alternation, redecoration, addition, or construction of or to a given element or object [Fenton: col. 7, lns. 12-21, wherein 'Voids in key color ranges (caused by vendor drops or style changes) can be immediately detected and addressed, so that best-selling colors will be available in every needed price' corresponds to "cost estimation regarding a potential alteration, addition, or construction of or to a given element or object"] supra for claim 23.

D. Fenton and Dries disclose claim 71, "The system of claim 18 wherein the means for displaying displayed elements and objects in a unified scale further provides automatically accurate perspective depictions of displayed elements and objects in varied orientations and locations", however they do not appear to disclose "wherein the means for displaying displayed elements and objects in a unified scale further provides automatically accurate perspective depictions of displayed elements and objects in varied orientations and locations", but DeLorme does in col. 4, lns. 18-34; col. 8, lns. 45-65; col. 63, lns. 18-22; wherein hybrid structure of combining multiple images at a plurality of scales with each scale being substantially constant-scale maps; and in col. 44, ln. 37 – col. 45, ln. 37.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with scale size disclosed by Dries and coupled with the hybrid structure of combining multiple images

Art Unit: 2624

at a plurality of scales with each scale being substantially constant-scale maps and POI's disclosed by DeLorme, and motivated to combine the teachings because it would provide accurate points of interest (POIs) and present POI types for which multimedia information is available for describing POI's as electronic overlays of the database for display over the electronic maps on the computer display as disclosed by DeLorme in col. 5, lns. 23-35.

E. Fenton and Dries disclose claim 72, "The system of claim 18 wherein the means for displaying displayed elements and objects in a. unified scale further comprises a means for permitting a user to input a scale of a procured input image", however they do not appear to disclose "wherein the means for displaying displayed elements and objects in a. unified scale further comprises a means for permitting a user to input a scale of a procured input image", but DeLorme does in col. 4, lns. 18-34; col. 8, lns. 45-65; and col. 15, ln. 61 – col. 16, ln. 10 at 'Three buttons with diagonal arrows in a row at 130 enable the user to zoom in or out among map scales'.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with scale size disclosed by Dries and coupled with the hybrid structure of combining multiple images at a plurality of scales with each scale being substantially constant-scale maps and POI's and user to zoom in or out among map scales disclosed by DeLorme, and motivated to combine the teachings because it would provide accurate points of interest (POIs) and present POI types for which multimedia information is available for describing POI's as electronic overlays of the database for display over the electronic maps on the computer display as disclosed by DeLorme in col. 5, lns. 23-35.

Art Unit: 2624

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton, and further in view of Miner (US 2006/0031486 A1).

A. Fenton and Miner disclose claim 20, “A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [Fenton: col. 4, lns. 5-18; particularly corresponding for ‘a digital camera of at least the quality of the Kodak DC120’];

a memory device [Fenton: col. 4, lns. 8-18, wherein ‘96MB of RAM, an 8 M video card, at least a 4 GB hard drive’, any or all of which may correspond to “memory device”];

a plurality of reference images retained by the memory device [col. 6, lns. 14-50, wherein computer file library of digital photographs corresponds to “plurality of reference images retained by the memory device”]

a processor [Fenton: col. 4, lns. 8-9]; and

a display device [Fenton: col. 4, lns. 10-12]; and

a means for providing a cost estimation as to the cost of a potential alteration, redecoration, addition, or construction of or to a given element or object [Fenton: col. 7, lns. 12-21, wherein

‘Voids in key color ranges (caused by vendor drops or style changes) can be immediately detected and addressed, so that best-selling colors will be available in every needed price’

corresponds to “cost estimation regarding a potential alteration, addition, or construction of or to a given element or object”]

Art Unit: 2624

wherein the image procuring device, the memory device, the processor, and the display device are specially calibrated and coordinated to work together to ensure that colors and input images viewed and procured in situ by the image procuring device will be identically displayed on the display device including the input images in an in situ depiction [corresponds to col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia 'the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color'; and col. 8, lns. 36-65 whereby designer or other staff member utilizes Photoshop to coordinate various elements to work together – (See Examiner's note below)];

whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to col. 7, lns. 22-44 and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]"

In as much as Fenton discloses various libraries for floor, wall, ceiling element, and window coverings, he does not appear to teach this for structural elements and decorative elements.

However, Miner discloses in [para. 0021-0029, image in various data stores, association of on-line virtual information with physical real objects, enables on-line shopping in-situ based on imaged items, image skin rash and compare with online medical databases, facial recognition of a customer, images of art work, image a car vehicle VIN and take picture of the part of interest, Triage: damages can be taken at an accident site and system can perform search and

Art Unit: 2624

sorting of patients, suggest course of action, and request authorization for settlement, repair, indemnification, medical care, and so forth – corresponds to “structural elements”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with structural elements disclosed by Miner, and motivated to combine the teachings because it would provide for a need for a system and method that address the concerns with conventional search and marketing strategies, and that significantly increase the users' input choices and improve the search efficiency as revealed in [para. 0015].

However Miner does not appear to disclose reference image for decorative elements and ceiling elements.

But Bulman discloses in [para. 0300 – characteristic features, such as coloration, location of eyes, ears, nose, hair line ... stored in a file for online service, email; – corresponds to “decorative elements”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method and structural elements disclosed by Fenton and Miner and coupled with decorative elements disclosed by Bulman, and motivated to couple the teachings because it would personalized presentations as revealed in [para. 0008].

In as much as Fenton discloses “a means for providing a cost estimation as to the cost of a potential alteration, redecoration, addition, or construction of or to a given element or object”, Miner teaches in para. 0021-0029, whereby ‘indemnification’ corresponds to compensation for “cost estimation as to the cost of a potential alteration”.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with indemnification disclosed by Miner, and motivated to combine the teachings because it would provide for a need for a system and method that address the concerns with conventional search and marketing strategies, and that significantly increase the users' input choices and improve the search efficiency as revealed in [para. 0015].

(Examiner's note: to overcome current rejection recommend the following, however a search for the following has not been preformed, furthermore ensure no new matter is entered:

-- wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to work together to ensure that colors and input images viewed and procured in situ by the image procuring device will be identically displayed on the display device including the input images in an in situ depiction --

To read as:

-- wherein the image procuring device, the memory device, the processor, and the display device are calibrated and automatically coordinated to work together to ensure that colors and input images viewed and procured in situ by the image procuring device will be identically displayed on the display device including the input images in an in situ depiction --)

8. Claims 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton and further in view of Elliott (US 6,446,053 B1).

A. Fenton and Elliott disclose claim 21, "The system of claim 20 further comprising

Art Unit: 2624

a means for providing a time estimation as to the time required for a potential alteration, redecoration, addition, or construction of or to a given element or object;

However, Fenton does not appear to disclose “a means for providing a time estimation as to the time required for a potential alteration, redecoration, addition, or construction of or to a given element or object”, but Elliott does in col. 5, lns. 1-5, wherein ‘time factors to calculate time estimates for various construction steps’ correspond to “a means for providing a time estimation as to the time required for a potential alteration, redecoration, addition, or construction of or to a given element or object”.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method and auto parts, structural elements, body parts and personalized presentations disclosed by Fenton in combination with time estimates disclosed by Elliott, and motivated to combine the teachings because it would allow for computer-implemented method and system for producing a proposal for a construction project for ‘an individual considering a major construction project such as building his dream house or remodeling his existing home needs to forecast important details of the project’ as detailed by Elliott in col. 1, lns. 6-8.

9. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton, Miner, Bulman, Minneman and Dries as applied to claim 4 above, and further in view of Duluk, Jr. (US 5,977,987), hereinafter Duluk.

Art Unit: 2624

A. Fenton, Miner, Bulman, Minneman and Dries disclose claim 5, “The system of claim 4 wherein the motion camera comprises a means for providing moving images in three-dimensions” supra for claim 4.

However, Fenton, Miner, Bulman, Minneman and Dries do not appear to disclose “wherein the motion camera comprises a means for providing moving images in three-dimensions”, but Duluk does [in col. 1, lns. 35-58; wherein contents of ‘frame buffer’ constitute “moving images”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton, Miner, Bulman, Minneman and Dries in combination with 3D computer graphics disclosed by Duluk, and motivated to combine the teachings because it would allow ‘a user to change his viewpoint or change the geometry in real-time, thereby requiring the rendering system to create new images on-the-fly in real-time’ as revealed by Duluk in col. 1, lns. 29-34.

B. Fenton, Miner, Bulman, Minneman and Dries disclose claim 6, “The system of claim 5 further comprising a means for providing moving images in virtual reality” supra for claim 5.

However, Fenton, Miner, Bulman, Minneman and Dries do not appear to disclose “further comprising a means for providing moving images in virtual reality”, but Duluk does [in col. 7, ln. 60 – col. 8, ln. 2; wherein ‘virtual reality image generators’ constitute “moving images in virtual reality”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton, Miner, Bulman, Minneman and Dries in combination with 3D computer graphics and virtual reality disclosed by Duluk, and

Art Unit: 2624

motivated to combine the teachings because it would allow ‘a user to change his viewpoint or change the geometry in real-time, thereby requiring the rendering system to create new images on-the-fly in real-time’ as revealed by Duluk in col. 1, lns. 29-34.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton, Miner, Bulman, Minneman as applied to claim 10 above, and further in view of Yamamoto et al., (US 5,021,705), hereinafter Yamamoto.

A. Fenton, Miner, Bulman, Minneman disclose claim 7, “The system of claim 10 wherein the display device comprises an ultra-high definition display screen” supra for claim 10.

However, Fenton, Miner, Bulman, Minneman do not appear to disclose, “wherein the display device comprises an ultra-high definition display screen”, but Yamamoto does [in col. 13, lns. 18-26; wherein ‘ultra-high sensitive High-Definition TV image’ constitute “ultra-high Definition display screen”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton, Miner, Bulman, Minneman in combination with ultra-high sensitive High-Definition disclosed by Yamamoto, and motivated to combine the teachings because it would allow ‘to produce a satisfactory image quality stably without deterioration of the characteristics including the lag even when the target voltage is increased’ as revealed by Yamamoto in col. 3, ln. 67 – col. 4, ln. 2.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton, Miner, Bulman, Minneman as applied to claim 10 above, and further in view of Official notice.

Art Unit: 2624

A. Fenton, Miner, Bulman, Minneman and Dries disclose claim 12, “The system of claim 10 wherein the decorative elements include furniture [Fenton: col. 7, lns. 35-39, and 50], shrubbery [Dries: col. 23, lns. 35-42], wallpaper, rugs, curtains, blinds, window shades, and trim” supra for claim 10 and [as detailed].

Although Fenton, Miner, Bulman, Minneman and Dries do not appear to disclose “wallpaper, rugs, curtains, blinds, window shades, and trim”, Official notice is taken that the art is replete with digital images of “wallpaper, rugs, curtains, blinds, window shades, and trim”.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton, Miner, Bulman, Minneman in combination with “wallpaper, rugs, curtains, blinds, window shades, and trim” disclosed by Official notice, and motivated to combine the teachings because it is common to photograph and store digital images of such items.

12. Claims 26, 28, 31, 33-35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton further in view of Branham et al., (Patent 5,687,737), hereinafter Branham, and further in view of Goldwesser et al., (US 4,737,921), hereinafter Goldwesser.

A. Fenton discloses claim 26, “A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

Art Unit: 2624

an image procuring device for procuring input images [Fenton: col. 4, lns. 5-18; particularly corresponding for ‘a digital camera of at least the quality of the Kodak DC120’];

a memory device [Fenton: col. 4, lns. 8-18, wherein ‘96MB of RAM, an 8 M video card, at least a 4 GB hard drive’, any or all of which may correspond to “memory device”];

a processor [Fenton: col. 4, lns. 8-9]; and

a display device [Fenton: col. 4, lns. 10-12]; and

a means for providing a display of simulated light sources on the display device to bathe the displayed image in a source of light wherein the means for providing simulated light sources comprises a means for controlling a type of light source to be simulated on the display device; wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [corresponds to col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia ‘the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color’]; whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to col. 7, lns. 22-44 and col. 8, lns. 1-45, inter alia ‘preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]”

However, Fenton does not appear to disclose “a means for providing a display of simulated light sources on the display device to bathe the displayed image in a source of light”,

Art Unit: 2624

but Branham does in col. 7, lns. 33-41 at 'To enhance the three-dimensional appearance of the display, direct and ambient virtual light sources can be defined, and the brightness of each facet will vary depending on the angle between the facet and the direct light source.'

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method and auto parts, structural elements, body parts and personalized presentations disclosed by Fenton in combination with virtual light sources disclosed by Branham, and motivated to combine the teachings because it would allow for such images that can also be provided with shading using virtual light sources (both direct and ambient, simultaneously) to give the depiction a realistic and easily-interpreted image as revealed by Branham in col. 5, lns. 35-53.

However, Fenton and Branham do not appear to disclose "wherein the means for providing simulated light sources comprises a means for controlling a type of light source to be simulated on the display device", but Goldwesser does in col. 9, lns. 1-13 and col. 28, lns. 3-18 at "simulated light source and control".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method and auto parts, structural elements, body parts and personalized presentations disclosed by Fenton in combination with virtual light sources disclosed by Branham, and control of simulated light sources disclosed by Goldwesser and motivated to couple the teachings because it would provide for realistic shading effects, three-dimensional perception in the final display can be greatly enhanced by adding shadows to parts of the object being displayed which are obscured from the simulated light source by other parts of the object as revealed by Goldwesser in col. 9, lns. 46-50.

Art Unit: 2624

B. Fenton and Branham disclose claim 28, “The system of claim 26 wherein the means for providing simulated light sources enables a user to select from light source types from the group consisting of incandescent light, fluorescent light, full spectrum light, and natural sunlight [Fenton: col. 7, lns. 33-39, incandescent fixtures, a skylight and/or full-spectrum fluorescent lights; col. 3, lns. 16-20, ‘bright indirect daylight’]” supra for claim 27 and [as detailed].

C. Fenton and Branham disclose claim 31, “The system of claim 26 wherein the means for providing simulated light sources comprises a means for controlling a location and orientation of the light source to be simulated on the display device [Fenton: col. 10, lns. 13-18, wherein ‘classification, selection and visualization of other floor, window, and wall coverings and all other products that come in various colors’ inherently implies location and placement of windows and light fixtures disclosed supra and therefore corresponds to “means for controlling a location and orientation of the light source”]” supra for claim 26 and [as detailed].

D. Per dependent claims 33-35, these are directed to a system for the system of dependent claims 28-30, and therefore are rejected to dependent claims 28-30.

E. Fenton and Branham disclose claim 38, “The system of claim 26 further comprising a portable memory medium for enabling a user to retain and transport procured input images and reference images [Fenton: col. 4, lns. 13-14, wherein ‘an equivalent IBM or compatible personal computer’ inherently comprises a floppy disk drive, CD drive, and/or diskette drive which corresponds to “portable memory medium for enabling a user to retain and transport procured input images and reference images”]” supra for claim 26 and [as detailed].

Art Unit: 2624

13. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton further in view of Branham et al., (Patent 5,687,737), hereinafter Branham, further in view of Goldwesser et al., (US 4,737,921), hereinafter Goldwesser, and further in view of Dowling et al., (US 2003/0057884 A1), hereinafter Dowling.

A. Fenton and Branham disclose claims 36 and 37 supra for claims 33 (26). However they do not appear to disclose “light fixture” and “shielded structure”, but Dowling does for “light fixture” in para. [0065] at “The configuration file can be typed in, or can be put into a graphical user interface that can be used to drag and drop light sources onto a representation of a room. At a step 1204, the developer can create a configuration file that matches the fixtures with true placement relative to a user's coordinate in the real room. For example, once the lighting elements are dragged and dropped in the environment, at a step 1208 the program can associate the virtual lights in the program with the real lights in the environment.”; and for “shielded structure” in para. [0038] at “In an embodiment of the invention described herein, the environment of a user of a computer game includes one or more light systems. As used herein “light systems” should be understood where context is appropriate to comprise all light systems, including LED systems, as well as incandescent sources, including filament lamps, pyro-luminescent sources, such as flames, candle-luminescent sources, such as gas mantles and carbon arc radiation sources, as well as photo-luminescent sources, including gaseous discharges, fluorescent sources, phosphorescence sources, lasers, electro-luminescent sources, such as electro-luminescent lamps, light emitting diodes, and cathode luminescent sources using electronic satiation, as well as miscellaneous luminescent sources including galvano-luminescent

Art Unit: 2624

sources, crystallo-luminescent sources, kine-luminescent sources, thermo-luminescent sources, triboluminescent sources, sonoluminescent sources, and radioluminescent sources. Light systems may also include luminescent polymers capable of producing primary colors”, wherein these various light sources incorporate “shielded structure”.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply simulated light sources disclosed by Fenton, and Branham in combination with virtual light sources, fixtures and shielded structures disclosed by Dowling, and motivated to combine the teachings because it would enhance and take advantage of characteristics of the environment as revealed by Dowling in para. [0006].

14. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton and Branham as applied to claim 28 above, and further in view of Roustaei, (US 2002/0050518 A1), hereinafter Roustaei.

A. Fenton, Minneman and Branham disclose claims 29 and 30, “The system of claim 28 wherein the means for providing simulated light sources further enables a user to select a mixed light display situation” and “The system of claim 29 wherein the means for providing simulated light sources further enables a user to adjust the relative intensity of displayed light sources” supra for claim 28.

However, Fenton and Branham do not appear to disclose “wherein the means for providing simulated light sources further enables a user to select a mixed light display situation” and “The system of claim 29 wherein the means for providing simulated light sources further enables a user to adjust the relative intensity of displayed light sources”, but Roustaei does [in

Art Unit: 2624

para. 0248, see 'Color modification can also adjust to variable-lightning conditions; daylight, incandescent illumination, and fluorescent illumination all have different spectral frequency patterns. Processing can also increase the saturation, or intensity, of portions of the color spectrum, modifying the strictly accurate reproduction of a scene to match what humans "like" to see.' and 'Similar approach is currently used during the setup, in industrial applications, in which, the imager 100 will not use the first few frames (because during that time the imager 100 calibrates itself for the best possible results depending on user's settings), after the trigger is activated (or simulated).].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton, and Branham in combination with Color modification can also adjust to variable-lightning conditions and simulations disclosed by Roustaei, and motivated to combine the teachings because it would allow 'These and other parameters can be controlled by selection of, and adjustments to, the optical system's components, including the lens system, the wavelength of illuminating light, the optical and electronic filtering, and the detector sensitivity' as revealed by Roustaei in para. [0008].

Allowable Subject Matter

15. Claims 15, 16, 40, 69, 70 and 73 are allowed.

Response to Arguments

16. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Responses

17. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Inquiries

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on (571) 272-7778. The Central FAX Number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Gregory F. Cunningham
Examiner, Art Unit 2624

gfc

5/17/2007



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